

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 14, 2021

AGENDA ITEM:	
Ordinance vacating an unopened public road recorded under AFN 530970, located over the south 30 feet of APN 29050200200300.	
PREPARED BY:	DIRECTOR APPROVAL:
Angela Gemmer, Senior Planner	
DEPARTMENT:	
Public Works/Community Development	
ATTACHMENTS:	
1. Resolution 2498 2. AFN 530970 3. Maplewood Crossing preliminary plat map 4. Chapter 12.32 MMC, <i>Vacation of Streets and Alleys</i> 5. Ordinance <ul style="list-style-type: none">· Exhibit A – Legal description of right-of-way vacation area· Exhibit B – BLA map showing vacation area· Exhibit C – aerial photo showing vacation area	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

On May 24, 2021, the City Council passed Resolution No. 2498 setting a public hearing date of June 14, 2021 to consider the vacation of an unopened public road, dedicated in 1931 by a deed recorded under Auditor’s File Number (AFN) 530970, that is located over the south 30 feet of Assessor’s Parcel Number (APN) 29050200200300. Resolution No. 2498 recommends vacating the unopened public road and waiving compensation for said vacation.

Staff became aware of the unopened public road during project review of a proposed development of APN 29050200200300, and have no evidence that this dedication was ever used for public road purposes. The City owns the property to the south of the unopened public road (where the Sunnyside Well Treatment Facility is located), which has an existing access onto 71st Avenue NE that parallels and directly abuts the unopened road, rendering said unopened road both unneeded and unable to be opened due to City access spacing requirements. The Sunnyside Well Treatment Facility also has frontage along 44th Street NE; critical areas encumbrances limit its development potential. This unopened public road is not needed, is unable to be utilized due to the nearby access at the Sunnyside Well Treatment Facility, and limits the usability of APN 29050200200300.

Staff is recommending City Council approve the proposed vacation of the unopened public road, and waive compensation for said vacation.

RECOMMENDED ACTION: Staff recommends that the City Council approve the Ordinance vacating the unopened public road that was dedicated by the deed recorded under AFN 530970, and waive compensation for said vacation.
RECOMMENDED MOTION: I move to adopt Ordinance No. _____.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. 2498

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, ESTABLISHING JUNE 14, 2021 AS THE DATE UPON WHICH A PUBLIC HEARING SHALL BE HELD BEFORE THE MARYSVILLE CITY COUNCIL TO CONSIDER VACATION OF AN UNOPENED PUBLIC ROAD OVER THE SOUTH 30 FEET OF ASSESSOR PARCEL NUMBER 29050200200300 (4205 71ST AVENUE NE), IN THE CITY OF MARYSVILLE, AND TO CONSIDER WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, during review of a formal land use application encompassing two parcels of land (Assessor's Parcel Numbers 29050200200300 and 29050200200200, commonly known as 4205 and 4315 71st Avenue NE, respectively), the City of Marysville became aware of a public road dedication from 1931 recorded under Auditor's File Number (AFN) 530970, that is located over the south 30 feet of Assessor's Parcel Number (APN) 29050200200300 (4205 71st Avenue NE); and

WHEREAS, to the best that City staff can determine, the public road dedication recorded under AFN 530970 was never opened for public road purposes; and

WHEREAS, the City owns the Sunnyside Well Treatment Facility located at 4123 71st Avenue NE (APN 29050200206500) which is directly to the south of 4205 71st Avenue NE and the associated unopened public road dedication; and

WHEREAS, the Sunnyside Well Treatment Facility has an existing access onto 71st Avenue NE which parallels and directly abuts the unopened public road dedication recorded under AFN 530970, rendering said public road dedication both unneeded by the City, and unable to be opened due to the inability to meet Engineering Design and Development Standards access spacing requirements;

WHEREAS, the Sunnyside Well Treatment Facility property also has frontage along 44th Street NE, and has critical areas encumbrances that limit its development potential;

WHEREAS, MMC 12.32.010 and RCW 35.79.010 authorize the Council to initiate vacation procedures by resolution; and

WHEREAS, MMC 12.32.020 provides that, when a vacation is initiated by the City, the Council may waive all or any portion of compensation that the City would receive from the vacation; and

WHEREAS, MMC 12.32.020 furthermore provides that the Council will consider the reports of the City Engineer and the City Planner in determining whether compensation will be required as a condition of the vacation; and

WHEREAS, the City Engineer and the Community Development Director have recommended that the Council waive all compensation for the vacation of the unopened public road that was dedicated by the deed recorded under AFN 530970; and

WHEREAS, the Council desires to initiate vacation procedures for the unopened public road that was dedicated by the deed recorded under AFN 530970;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, AS FOLLOWS.

Section 1. Pursuant to MMC 12.32.020, **June 14, 2021 at 7:00 PM** is established as the time at which the City Council of the City of Marysville will hold a public hearing to consider the vacation of the unopened public road that was dedicated by the deed recorded under Auditor's File Number 530970, and that is located over the south 30 feet of the property located at 4205 71st Avenue NE (APN 29050200200300), which is legally described in **Exhibit A** and depicted in **Exhibits B & C**, attached hereto (the "Unopened Road").

Section 2. The Council, having considered the recommendation of the City Engineer and the Community Development Director, waives all compensation for vacation of the Unopened Road.

Section 3. The Council has determined that vacation of the Unopened Road would satisfy the criteria contained in MMC 12.32.060, specifically:

- (a) The vacation will provide a public benefit, allowing for development of the property located at 4205 71st Avenue NE (APN 29050200200300) to be unimpaired by an unopened and unnecessary road;
- (b) The vacation will not adversely affect the street pattern or circulation of the immediate area of the community as a whole;
- (c) The public need will not be adversely affected;
- (d) The Unopened Road is not contemplated or needed for future public use; and
- (e) No abutting owner will become landlocked or have their access substantially impaired.

ADOPTED by the City Council at an open public meeting this 25th day of May, 2021.

CITY OF MARYSVILLE

By 
JON NEHRING, MAYOR

Attest:

By 
Tina Brock, DEPUTY CITY CLERK

Approved as to form:

By 
JON WALKER, CITY ATTORNEY

RECORDED 1933

does make the following declaration of homestead for the joint benefit of herself and said Otto Boettner; the said Otto Boettner has not made a declaration of homestead as to the premises hereinafter described or at all and the said Gertrude Stephens Boettner does therefore make this declaration for the joint benefit of herself and her said husband as aforesaid; that the following described premises are and for more than one year last past have been the home and residence of the undersigned and her said husband, Otto Boettner, as aforesaid, and the minor child of the undersigned; that the undersigned and said Otto Boettner and said minor child are now residing on said premises and intend to reside thereon and have been residing thereon for more than one year last past and the undersigned does hereby claim same as a homestead; said premises are situate in Snohomish County, Washington and are described as follows, to-wit:

Block Three (3), Plat of Silver Lake as the same appears of record in the Office of the Auditor of Snohomish County, Washington.

That said premises are encumbered and that the actual cash value of said premises above the encumbrance thereon is Two Thousand (\$2,000.00) Dollars.

DATED July 10, 1933.

Gertrude Stephens Boettner (SEAL)

STATE OF WASHINGTON }
County of Snohomish } SS

I, the undersigned, a Notary Public, in and for the State of Washington, do hereby certify that on this 10th day of July, 1933, personally appeared before me GERTRUDE STEPHENS BOETTNER, personally known to me to be the individual described in and who executed the foregoing instrument, and acknowledged to me that she signed and executed the same as and for her free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 10th day of July, 1933.

{ J. L. Rucker
N. P. Seal
Com. Exp. Jan. 20, 1937 }

J. L. Rucker
Notary Public in and for the State of Washington, residing at Everett.

Filed for record at request of Jasper Rucker on Jul 10 1933 at 4:20 P.M.

John Haugen

County Auditor By

A. J. Evans

Deputy Auditor

530870
Christen Frederik Christensen
to
Tom Voie et ux

WARRANTY DEED

The grantor, CHRISTEN FREDERIK CHRISTENSEN, a widower, for and in consideration of One (\$1.00) Dollar and other valuable consideration conveys and warrants unto the grantee, TOM VOIE and THERESA VOIE, husband and wife, the following real property situated in Snohomish County, Washington, to-wit:

Beginning at the Northwest Corner of the South half of government Lot Three (3) of Section Two (2), Township Twenty-nine (29), North Range Five (5) E.W.M., thence North 89 Degrees, 35' 2", East, along the North line of said South half of said Lot Three (3), 686.12 ft; thence South 1 Degree, 58' 24", East, 30 ft; thence South 89 Degrees, 35' 02", West, 686.12 ft; thence Northerly 30 ft. to true point of beginning, all in Section Two (2), Township Twenty-nine (29), North Range Five (5), E.W.M.

The grantee-, as a part of the consideration hereof, agrees to build a lawful fence along the South side of said tract herein conveyed to be completed on or before March 14, 1932 and to maintain said fence.

It is also expressly agreed that this strip of land is to be for the use of the public for the purpose of a road.

DATED this 8th day of December, 1931.

Christen Frederik Christensen

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } SS:

This is to certify that before me, the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn, on this 8th day of December, 1931 personally appeared before me, CHRISTEN FREDERIK CHRISTENSEN, to me known to be the individual named in, and who executed the foregoing instrument and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 8th day of December, 1931.

{ Joseph H. Smith
N. P. Seal
Com. Exp. Aug. 4, 1934 }

Joseph H. Smith
Notary Public in and for the State of Washington, residing at Everett.

Filed for record at request of Snohomish County Abstract Company on Jul 10 1933 at 4:35 P.M.

John Haugen

County Auditor By

A. J. Evans

Deputy Auditor

A PORTION OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.

LEGEND
PROJECT BOUNDARY
PROPOSED R/W LINE
PROPOSED TRACT LINE
PROPOSED LOT LINE
EXIST. R/W LINE
EXIST. PARCEL LINE
BUILDING SETBACK
PROPOSED 6' BOARD FENCE
PROPOSED CONTOUR MAJOR
PROPOSED CONTOUR MINOR
EXIST. CONTOUR MAJOR
EXIST. CONTOUR MINOR
EXIST. EDGE OF PAVEMENT
EXIST. POWERLINE
PROPOSED PAVED AREA
"NO PARKING" FIRE LANE
ACTIVE OPEN SPACE
OPEN SPACE

SITE AREA ANALYSIS
Gross Site Area 300,446.46 sf (6.90 ac)
Area to be deeded as ROW 53,323 sf (1.22 ac)
Area in Lots 169,294 sf (3.89 ac)
Area in Critical Area and Buffer 37,093 sf (0.85 ac)
Area in Open Space 44,799 sf (1.13 ac)
Road Pavement= 42,306 sf (0.88 ac)
OPEN SPACE ANALYSIS
Net Project Area 240,357 sf (5.52 ac)
Min. Open Space Required 15% 36,053 sf (0.83 ac)
Min. Active OS Required 35% 12,619 sf (0.29 ac)
(35% of Total OS)
Passive Open Space Provided
Tract 999 (allow 65% of OS Required) 24,110 sf (0.55 ac)
Tract 998 7,555 sf (0.17 ac)
Total Passive Recreation 31,665 sf (0.72 ac)
Tract 995 Open Space 3,544 sf (0.08 ac)
Tract 994 Open Space 9,590 sf (0.22 ac)
Total Active Recreation 13,134 sf (0.30 ac)
Total Open Space Provided 19% 44,799 sf (1.03 ac)

LOT YIELD ANALYSIS
Marysville School Property
Gross Site Area (Per Survey) 300,446 6.90
-Right of Way 53,323 1.22
-Private Roads 10,887 0.25
-Panhandles 0 0.00
Total Road Deduction (Total Actual Roads) 64,210 1.47
Total Deduction Option @ 20% 60,089 1.38
-Stormwater Facility Tracts (underground and usable for recreation) 0 0.00
-Stream Beds 0 0.00
-Community Facilities 0 0.00
-Flood Plains 0 0.00
Total Deduction (Using 20% deduct for roads) 60,089 1.38
Net Project Area 240,357 5.52
Zoning Multiplier 80% 6.5
Base Density 36
Max Lots (36 x 1.2) 43.2

BONUS YIELD
Marysville Municipal Code - 22C.090.030 Public Benefits and density incentives
Benefit Density Incentive Provided Bonus Yield
6. Storm Drainage Facilities Dual use retention/detention facilities... 5 bonus units per acre of the storm water facility tract used for active recreation 13,134 sf 1.51
6. Storm Drainage Facilities Dual use retention/detention facilities... 2 bonus units per acre of the storm water facility tract used for passive recreation 7,555 sf 0.35
7. Project Design Installation of perimeter fencing or landscaping in order to improve design or compatibility between neighboring land uses. 1 bonus unit per 500 linear feet of perimeter fencing or landscaping installed (when not otherwise required by code). 2,028 lf 4.06
9. Low Impact Development (LID) a. Integration of LID measures in project design and storm water facility construction. 5-10 Impact increase over base density (range dependent on degree of LID integration in project design and construction) 10.0% 3.60
Total Bonus 9.51
Base Density 36
Maximum Yield (20%) 43

TRACT DESIGNATION
Tract 999 Open Space Passive, Critical Area 37,093 sf
Tract 998 Open Space Passive, SWM and Buffer 7,555 sf
Tract 997 Buffer Landscape 4,706 sf
Tract 996 Buffer Landscape 1,338 sf
Tract 995 Open Space Active Recreation, SWM 3,544 sf
Tract 994 Open Space Active Recreation, SWM 9,590 sf
Tract 993 Autocourt 2,511 sf
Tract 992 Autocourt 3,214 sf
Tract 991 Autocourt 2,504 sf
Tract 990 Private Access Shared Driveway 1,207 sf
Tract 989 Private Access Shared Driveway 1,451 sf
Total Tract Area 74,713 sf

IMPERVIOUS AREAS
Existing road area 0 sf (0.00 ac)
Existing driveway area 0 sf (0.00 ac)
Existing roof area 0 sf (0.00 ac)
New road, Driveway, Walk 120,800 sf (2.77 ac)
New roof area 87,534 sf (1.91 ac)
Total impervious area 220,794 sf (4.28 ac) 62%

VEGETATION ANALYSIS
EXISTING:
Forested areas= 300,446.46 sf (6.90 ac) 100.0%
Building & Gravel areas= 0 sf (0.00 ac) 0.0%
Total= 300,446.46 sf (6.90 ac) 100.0%
PROPOSED:
Landscaped areas= 214,306 sf (4.92 ac)
Building & Driveway areas= 86,140 sf (1.98 ac)
Total= 300,446.46 sf (6.90 ac)

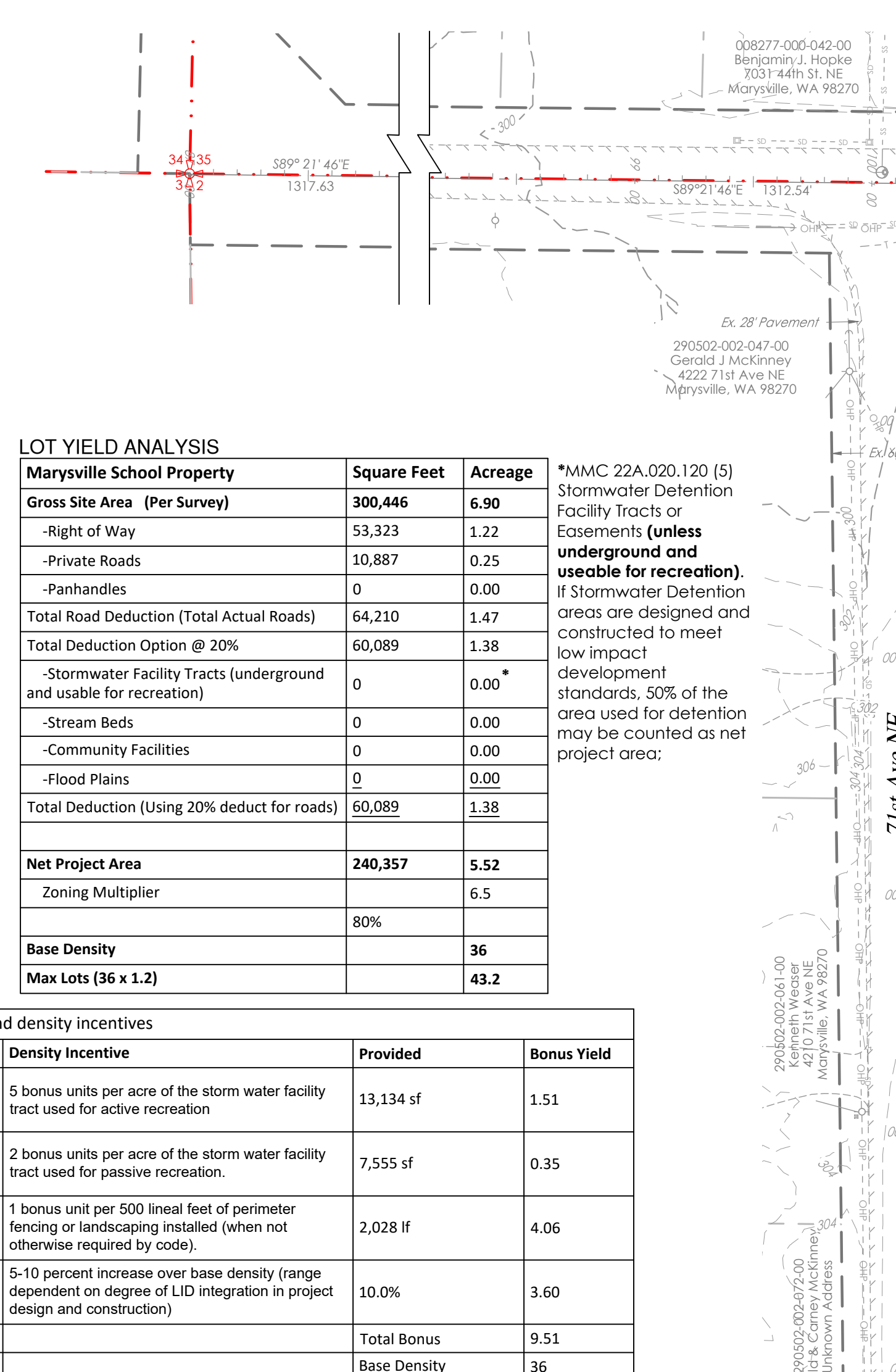
SLOPE ANALYSIS
Slopes vary across the site, with the steepest slopes (up to 39%) in the southern portion of the site. Slopes typically range from flat to 5%. Average slope is 4.39%. Site slopes generally downward from the southwest to east.
There are no indications of unstable slopes on the site.
Slope analysis based on T.I.N. triangle slopes of the LIDAR surface:
Range Area[sf]
0% - 15% 253,078 sf
15% - 20% 29,251 sf
20% - 25% 10,811 sf
25% - 33% 5,024 sf
33% + 2,280 sf
Total = 300,446.46 sf (6.90 ac)

AQUIFER RECHARGE/ WELL HEAD PROTECTION
Low, Over 100 ft.

ROAD HORIZONTAL CURVE TABLE
Curve # P.I. Radius Arch Length Delta P.C. P.T. Tangent
C1 14+16.95 165.00 92.00 N74° 42' 25.12"E 13+69.72 14+61.72 47.231
C2 23+14.54 165.00 92.16 N16° 36' 42.17"W 22+67.22 23+59.38 47.319

SOILS
Total Gravely Medial Loam:
Hydrologic Soil Group: B
Compact Fill Area to 95% Modified Proctor

GENERAL NOTE:
It is the responsibility of the contractor and construction manager to ensure that all conflicts between plan sets are identified and resolved prior to construction activities. The contractor shall verify the location of all existing utilities prior to any construction. Agencies shall be notified within a reasonable time prior to the start of construction.

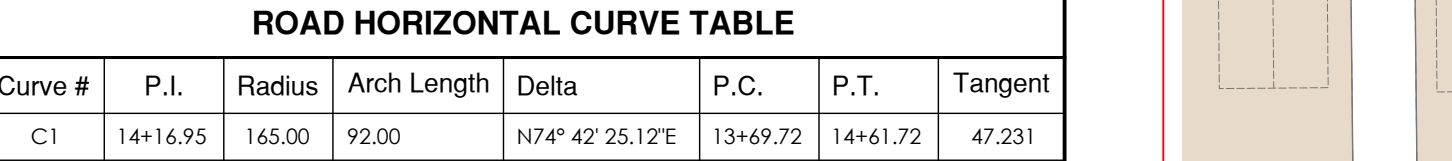
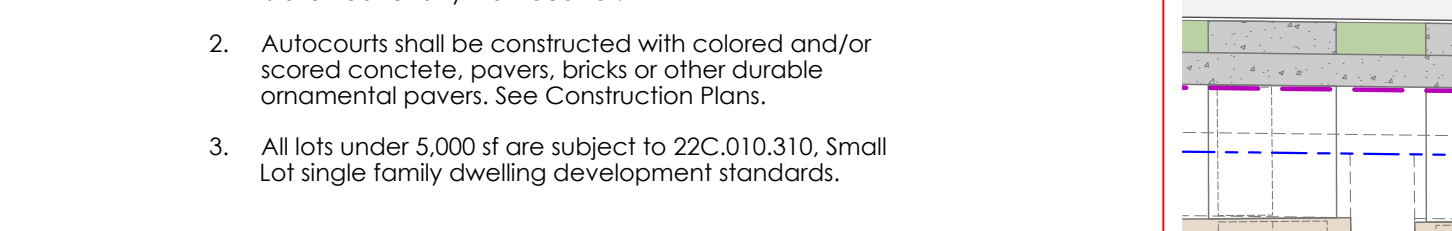


Setback and dimensional requirements (setbacks measured from property line)
Street setback 10 feet
Porch setback 7 feet
Driveway length 20 feet
Side yard setback 5 feet
Side yard setback from arterial (71st Avenue NE) 15 feet
Side yard setback adjacent to street 10 feet
Rear yard setback 10 feet
Critical areas setback 15 feet
Maximum impervious coverage 70 percent

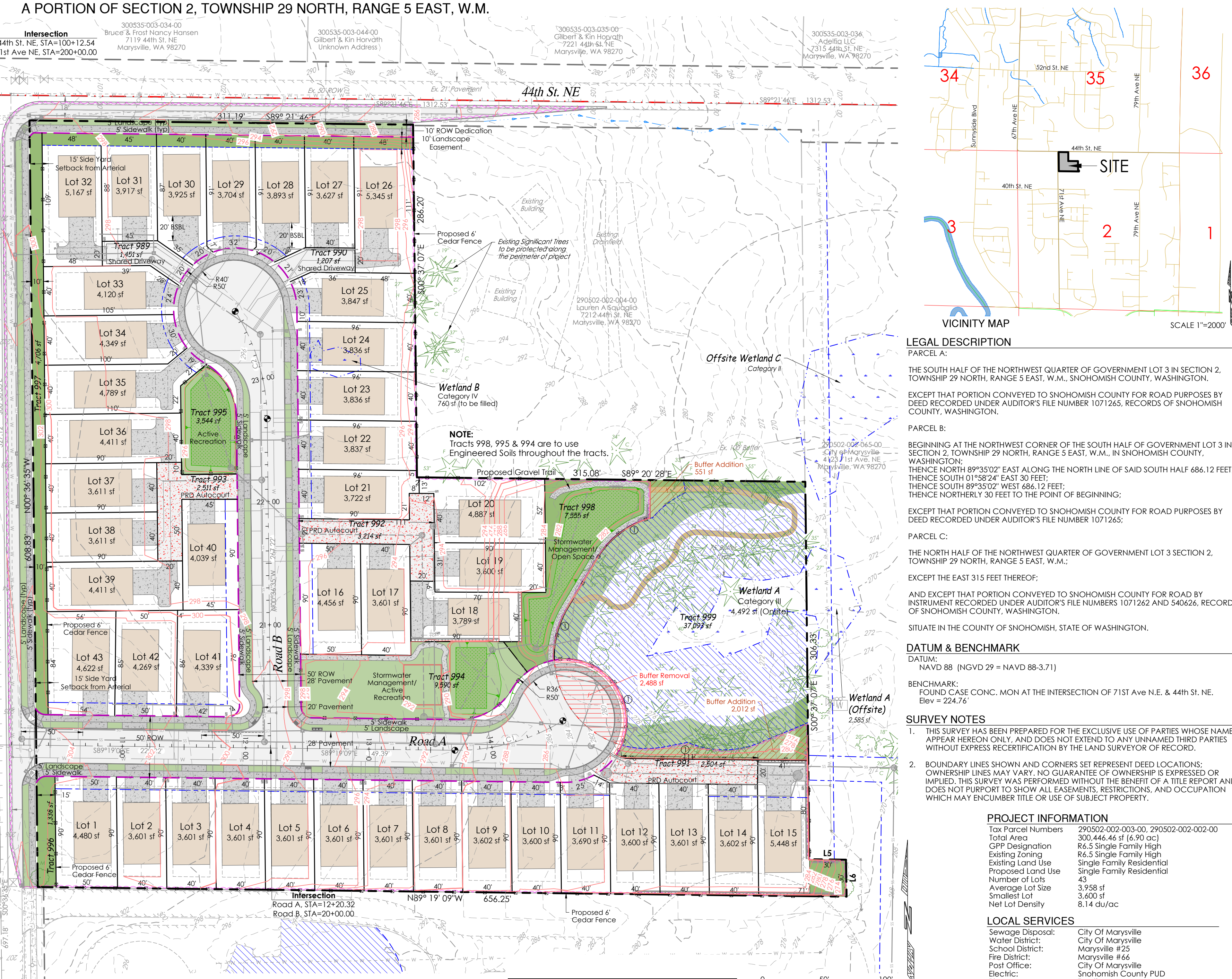
PRD - BINDING SITE PLAN
PRD - BINDING SITE PLAN

STATEMENT OF INTENT
It is the Applicant's intent to Subdivide the property into Fee Simple lots for Detached Single Family homes

HOUSING MIX RATIO
Proposed - 100% Single Family Detached Homes
300-Foot Radius - 100% Single Family Detached Homes



GENERAL DEVELOPMENT STANDARDS - PARKING
NUMBER OF SPACES REQUIRED (MMC 22C.130.030)
Description Units Proposed 43 Guest Spaces Units 43/1
Required 86 spaces 1 per 1 du 43 spaces
Provided 86 spaces 1 per 1 du 58 spaces (15 on street and 43 in driveways for 58 total)



Sheet List Table
Sheet Number Sheet Title
Construction: C26
C1 Civil Site Plan
C2 Construction Notes
C3 Clearing & TESC Plan
C4 Grading Plan
C5 Grading & TESC Details
C6 Frontage Improvements Plan - 71st Avenue NE
C7 Frontage Improvements Plan - 44th Street NE
C8 Road A Plan and Profile
C9 Road B Plan and Profile
C10 Autocourt Shared Court Details
C11 Curb Ramp Details
C12 Road Details
C13 Stormwater Management Overview Plan
C14 Stormwater Management Plan and Profile
C15 Stormwater Management Plan and Profile
C16 Stormwater Management Plan and Profile
C17 Stormwater Management Details
C18 Storm Control Structure Details
C19 Sewer and Water Overview
C20 Road A Sewer Plan and Profile
C21 Road B Sewer Plan and Profile
C22 Offsite Sewer Connection
C23 Offsite Sewer Plan and Profile
C24 Signage & Channelization Plan
C25 Lighting Plan
C26 Mailbox Plan

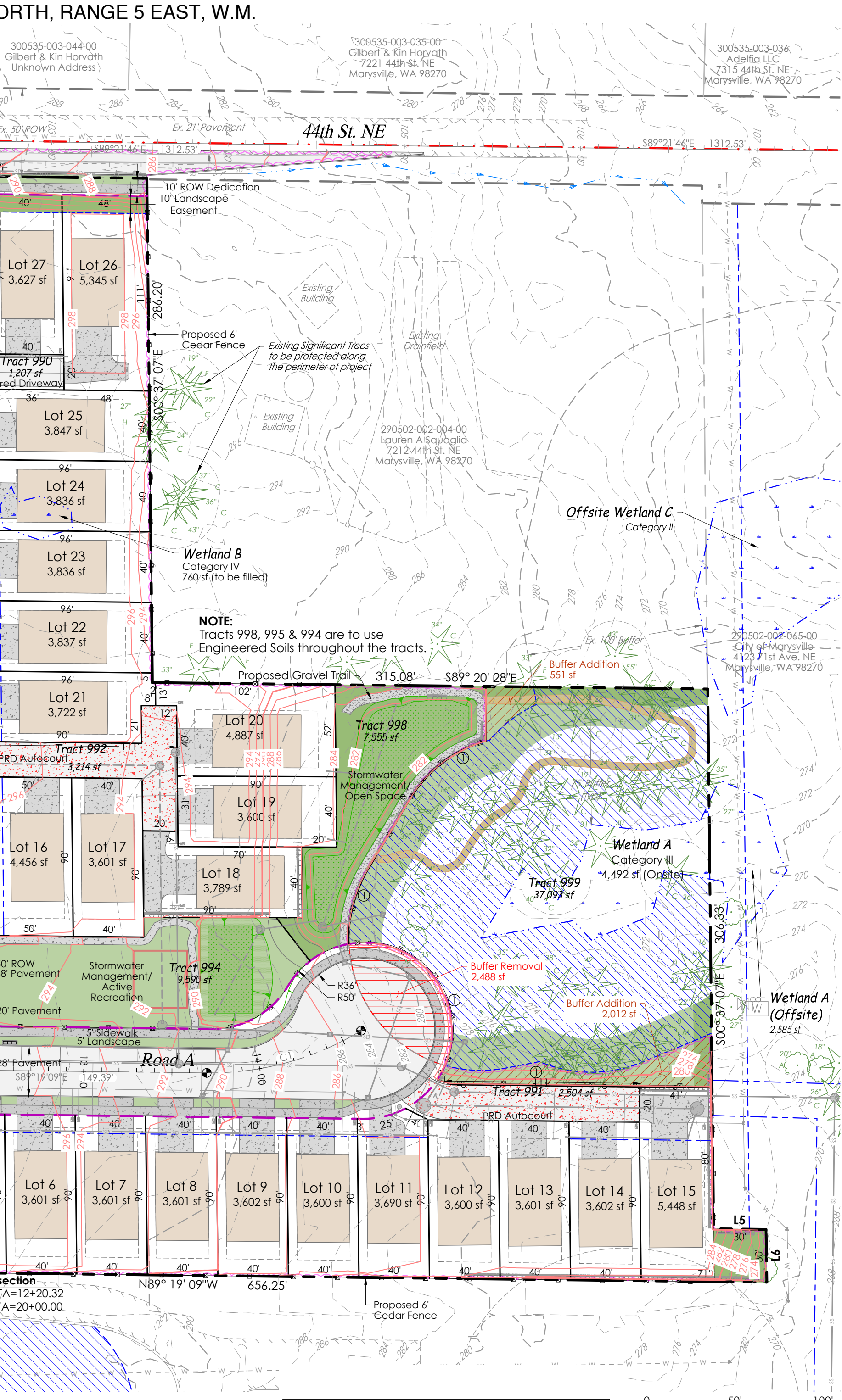
Line Table
Line # Length Direction
L5 29.75 S89° 19' 09"E
L6 30.00 S00° 52' 35"E

Sheet List Table
Sheet Number Sheet Title
Planning: P2
P1 PRD - Binding Site Plan
P2 Open Space & Landscape Concept Plan

CONTACT PERSON
Land Technologies Inc.
Merle Ash
18820 3rd Ave. NE
Arlington, WA 98223
360.652.9727
merle@landtechway.com

ENGINEER
Land Technologies, Inc.
Tyler Foster, P.E.
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Arlington, WA 98223
360.652.9727
Tyler@landtechway.com

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT
THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE BUT ARE NOT LIMITED TO: WSDOW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT. THIS ____ DAY OF ____, 201__.



DATUM & BENCHMARK
DATUM:
NAVD 88 (NGVD 29 = NAVD 88-3.71)
BENCHMARK:
FOUND CASE CONC. MON AT THE INTERSECTION OF 71ST AVE N.E. & 44TH ST. NE. Elev = 224.76

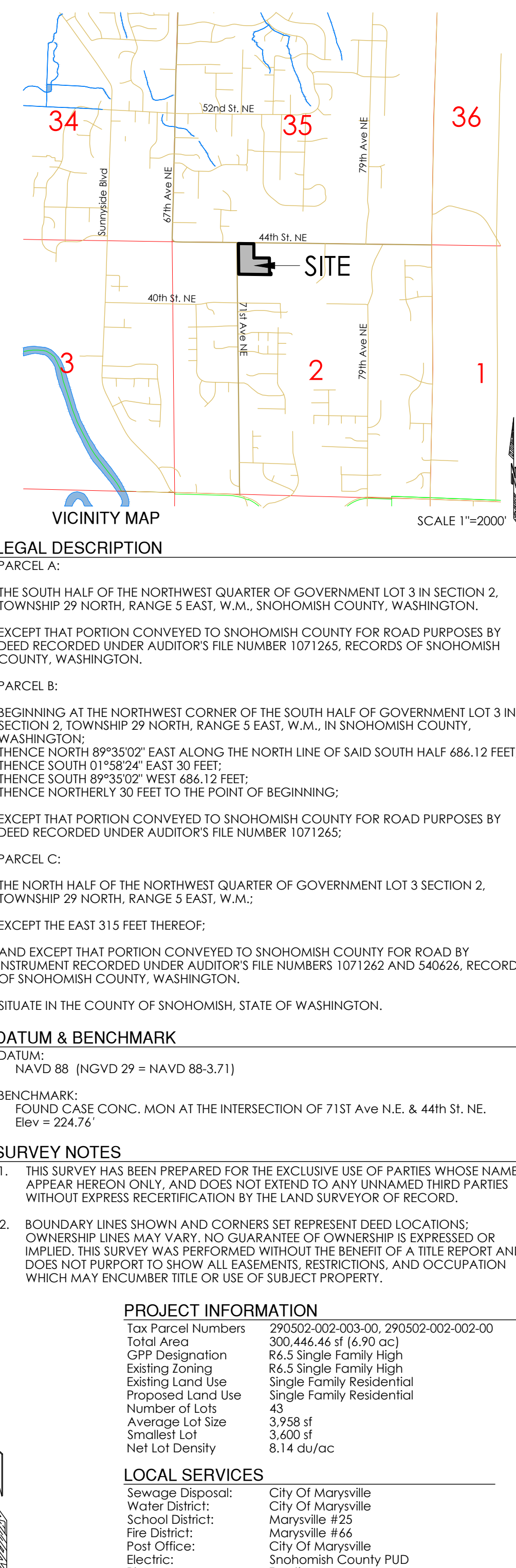
SURVEY NOTES
1. THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR OF RECORD.
2. BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT DEED LOCATIONS; OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO SHOW ALL EASEMENTS, RESTRICTIONS, AND OCCUPATION WHICH MAY ENCUMBER TITLE OR USE OF SUBJECT PROPERTY.

PROJECT INFORMATION
Tax Parcel Numbers 290502-002-003-00, 290502-002-002-00
Total Area 300,446.46 sf (6.90 ac)
GPP Designation R6.5 Single Family High
Existing Zoning R6.5 Single Family High
Existing Land Use Single Family Residential
Proposed Land Use Single Family Residential
Number of Lots 43
Average Lot Size 3,958 sf
Smallest Lot 3,602 sf
Net Lot Density 8.14 du/ac

LOCAL SERVICES
Sewage Disposal: City of Marysville
Water District: City of Marysville
School District: Marysville #25
Fire District: Marysville #66
Post Office: City of Marysville
Electric: Snohomish County PUD
Phone: Frontier
Cable: Comcast
Gas: Comcast

CONTRACT PERSON
Land Technologies Inc.
Merle Ash
18820 3rd Ave. NE
Arlington, WA 98223
360.652.9727
merle@landtechway.com

APPLICANT
Keystone Land, LLC.
13805 Smokey Point Blvd, Ste 102, Marysville, WA 98271



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SURVEYOR
Pacific Coast Surveys, Inc.
Dorren J. Riddle, PLS
P.O. Box 13619
Mill Creek, WA 98082
425.512.7099

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT
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CONTRACT PERSON
Land Technologies Inc.
Merle Ash
18820 3rd Ave. NE
Arlington, WA 98223
360.652.9727
merle@landtechway.com

APPLICANT
Keystone Land, LLC.
13805 Smokey Point Blvd, Ste 102, Marysville, WA 98271

4/21/2021 3:48 PM
Z:\Keystone Land - Marysville School Property\Sheets\P1 PRD - Binding Site Plan.dwg

LAND TECHNOLOGIES
18820 Third Avenue, N.E.
Arlington, WA 98223
360-652-9727
PROJECT LEAD: Merle Ash
CHECKED BY: Tyler Foster
DATE: December 15, 2020
DRAWN BY: Tyler Foster
DATE: December 15, 2020
REVISION 1:
REVISION 2:
REVISION 3:
AS-BUILT:
Maplewood Crossing
3000 71st Ave NE, Marysville, WA 98270
Xxxx 71st Ave NE, Township 29 North, Range 5 East, W.M.
A PORTION OF SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.
PRD - BINDING SITE PLAN
KEYSTONE Land, LLC.
13805 Smokey Point Blvd, Ste 102, Marysville, WA 98271
SHEET P1 of P2
24x36
© Copyright 1993-2021

Chapter 12.32
VACATION OF STREETS AND ALLEYS

Sections:

- 12.32.010** Petition – Filing.
- 12.32.020** Petition – Scheduling for public hearing – Compensation for vacated area.
- 12.32.030** Notice of public hearing.
- 12.32.040** Survey requirements.
- 12.32.050** Appraisal.
- 12.32.060** Criteria for council decision.
- 12.32.070** Authorized by ordinance.
- 12.32.080** Notice to auditor and assessor.
- 12.32.090** Use of proceeds of vacation.

12.32.010 Petition – Filing. 

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council for the vacation of such street or alley, or any part thereof, in the manner provided in this chapter and pursuant to Chapter [35.79](#) RCW, or the city council may itself initiate, by resolution, such vacation procedure. The petition shall be on such form as may be prescribed by the city and shall contain a full and correct description of the property sought to be vacated. A petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

The petition shall be filed with the city clerk, and the petitioners shall pay fees as set forth in MMC [14.07.005](#). (Ord. 2106 § 9, 1996; Ord. 1271, 1983; Ord. 948 § 1, 1977).

12.32.020 Petition – Scheduling for public hearing – Compensation for vacated area. 

(1) Upon receiving a petition or the vacation of a city street or alley, the city clerk shall place the matter upon the agenda of the city council at a regular meeting to be held not fewer than 10, nor more than 30 days, from the date the petition is filed with the city clerk. The city clerk shall notify the petitioners in writing of the date the matter shall come before the city council. The city clerk shall then notify the city engineer and the compliance officer/ planner of the petition and the date when the matter will be before the city council, and said officials shall prepare reports relating to the same.

(2) The city council may require the petitioners to compensate the city of Marysville:

- (a) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated;
- (b) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion

of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution, the city council shall consider the reports of the city engineer and/or the city planner shall determine whether or not it will require that the city be compensated as a condition of the vacation.

(3) The city council shall, by resolution, fix the time for the hearing of such petition, which time shall not be more than 60 days, nor fewer than 20 days after the passage of such resolution. (Ord. 2396 § 1, 2001; Ord. 948 § 2, 1977).

12.32.030 Notice of public hearing.

(1) On the passage of the resolution provided for in MMC [12.32.020](#), the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city and a like notice in conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

(2) In all cases where the proceeding is initiated by resolution of the city without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice required in subsection (1) of this section, there shall be given by mail, at least 15 days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley, or any part thereof, sought to be vacated, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 948 § 3, 1977).

12.32.040 Survey requirements.

It shall be the duty of the city engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the city engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received. (Ord. 948 § 4, 1977).

12.32.050 Appraisal.

In all cases where the city council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

- (1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.
- (2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.
- (3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing. (Ord. 2321 § 1, 2000; Ord. 1170, 1981; Ord. 948 § 5, 1977).

12.32.060 Criteria for council decision.

- (1) The city council shall not vacate any street, alley or any parts thereof if any portion thereof abuts any body of salt or fresh water unless such vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.
- (2) The city council shall use the following criteria for deciding upon the petition:
 - (a) The vacation will provide a public benefit, and/or will be for a public purpose;
 - (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;
 - (c) The public need shall not be adversely affected;
 - (d) The right-of-way is not contemplated or needed for future public use;
 - (e) No abutting owner will become landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient; provided that the city council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.
- (3) The city council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation, which amount shall not exceed one-half of the appraised value of the area to be vacated; except, that in the event the subject property or portions thereof were acquired at public expense, the city may require compensation in an amount equal to the full appraised value of the area to be vacated. (Ord. 1452, 1986; Ord. 948 § 6, 1977).

12.32.070 Authorized by ordinance.

If the city council determines to grant the petition provided for in MMC [12.32.010](#), or any part thereof, the council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the city of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the city council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until the compensation has been paid by the petitioners. (Ord. 948 § 7, 1977).

12.32.080 Notice to auditor and assessor. 

A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County auditor's office and with the Snohomish County assessor's office. (Ord. 948 § 8, 1977).

12.32.090 Use of proceeds of vacation. 

One-half of the revenue received by the city as compensation for area vacated, under this chapter, shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. (Ord. 2396 § 2, 2001).

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, VACATING AN UNOPENED PUBLIC ROAD LOCATED OVER THE SOUTH 30 FEET OF ASSESSOR'S PARCEL NUMBER 29050200200300 (4205 71ST AVENUE NE), IN THE CITY OF MARYSVILLE, AND WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, the Marysville City Council adopted Resolution No. 2498 on May 24, 2021, which initiated vacation procedures for an unopened public road that was dedicated by the deed recorded under Auditor's File Number 530970, and that is located over the south 30 feet of the property located at 4205 71st Avenue NE (APN 29050200200300), which is legally described in Exhibit A and depicted in Exhibits B & C, attached hereto (the "Unopened Road"); and

WHEREAS, Resolution No. 2498 set a public hearing date of June 14, 2021, to consider the vacation of the Unopened Road, and proper notice was posted and mailed to all required parties pursuant to MMC 12.32.030; and

WHEREAS, a public hearing was held before the Marysville City Council on June 14, 2021, to consider vacation of the Unopened Road; and

WHEREAS, the City Engineer and the Community Development Director recommended that the Council waive all compensation for the vacation of the Unopened Road; and

WHEREAS, the Council, having considered the recommendation of the City Engineer and the Community Development Director, waived all compensation for vacation of the Unopened Road; and

WHEREAS, the Council considered the evidence presented at the public hearing and has determined that vacation of the Unopened Road would satisfy the following criteria contained in MMC 12.32.060, specifically:

- (a) The vacation will provide a public benefit, allowing for development of the property located at 4205 71st Avenue NE (APN 29050200200300) to be unimpaired by an unopened and unnecessary road;
- (b) The vacation will not adversely affect the street pattern or circulation of the immediate area of the community as a whole;
- (c) The public need will not be adversely affected;
- (d) The Unopened Road is not contemplated or needed for future public use; and

(e) No abutting owner will become landlocked or have their access substantially impaired.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The unopened public road that was dedicated by the deed recorded under Auditor’s File Number 530970, and that is located over the south 30 feet of the property located at 4205 71st Avenue NE (APN 29050200200300), which is legally described in Exhibit A and depicted in Exhibits B & C, attached hereto (the “Unopened Road”), is hereby vacated and all compensation is waived in accordance with MMC 12.32.020; and

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Correction. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance and the vacation of the Unopened Road, shall become effective five days after the date of its publication by summary.

SECTION 5. Recordation. A certified copy of this ordinance will be recorded by the City of Marysville with the Snohomish County Auditor after its publication.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

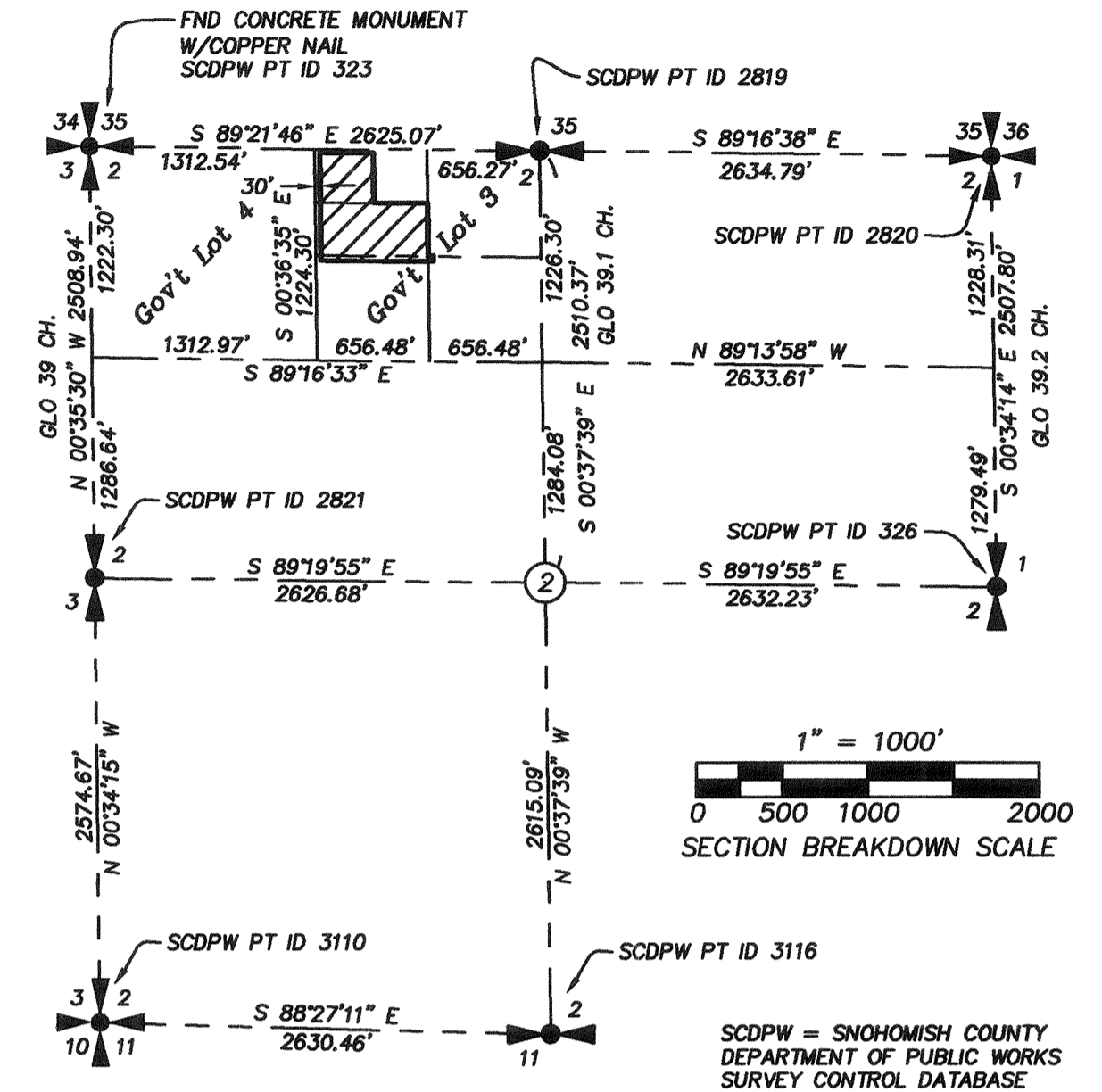
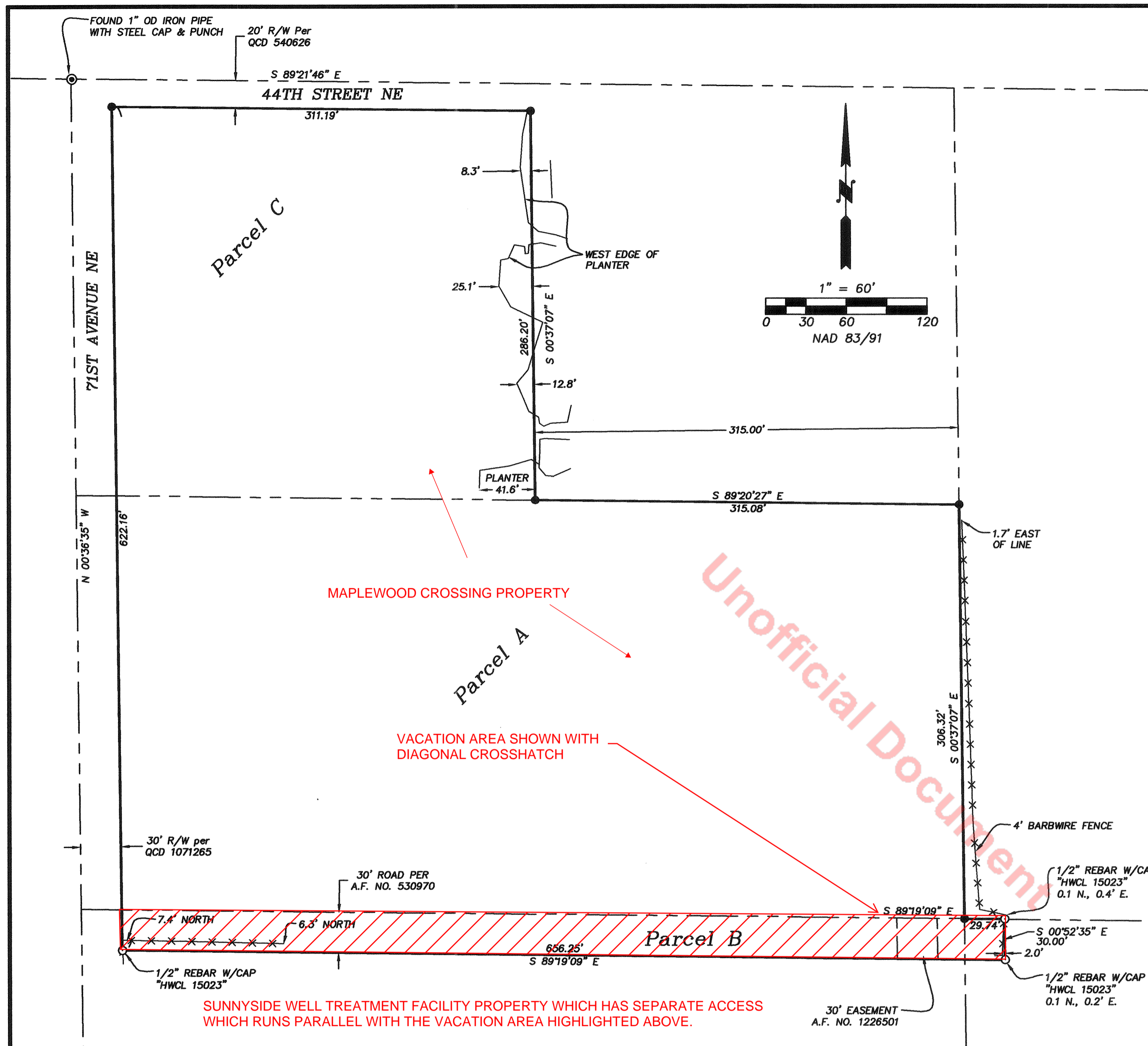
Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

Beginning at the northwest corner of the south half of government lot 3, Section 2, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington; thence north $89^{\circ}35'02''$ east along the north line of said south half 686.12 feet; thence south $1^{\circ}58'24''$ east 30 feet; thence south $89^{\circ}35'02''$ west 686.12 feet; thence northerly 30 feet to the point of beginning; except that portion conveyed to Snohomish County for road purposes by deed recorded under Auditor's File Number 1071265.

MARYSVILLE SCHOOL DIST. #25
SECTION 2, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.
NE 1/4, NW 1/4



Legal Description:

(Per Chicago Title Insurance Company Policy #5302074, second report, dated August 19, 2005)

PARCEL A:
THE SOUTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 IN SECTION 2 TOWNSHIP 29 NORTH RANGE 5 EAST, W.M., SNOHOMISH COUNTY WASHINGTON;
EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

PARCEL B:
BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF GOVERNMENT LOT 3, SECTION 2 TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., IN SNOHOMISH COUNTY, WASHINGTON;
THENCE NORTH 89°35'02" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF 686.12 FEET; THENCE SOUTH 1°58'24" EAST 30 FEET; THENCE SOUTH 89°35'02" WEST 686.12 FEET; THENCE NORTHERLY 30 FEET TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1071265;

PARCEL C:
THE NORTH HALF OF THE NORTHWEST QUARTER OF GOVERNMENT LOT 3 SECTION 2 TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;
EXCEPT THE EAST 315 FEET THEREOF;
AND EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR ROAD BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NUMBERS 1071262 AND 540626, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SURVEY NOTES:

- 1) SURVEY PROCEDURES & EQUIPMENT: FIELD TRAVERSE & 10" TOTAL STATION.
- 2) THE FIELD TRAVERSES USED IN THIS SURVEY MEET OR EXCEED THOSE STANDARDS CONTAINED IN WAC 332-130-090.
- 3) DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- 4) ALL CONTROLLING MONUMENTS SHOWN ARE OF RECORD, ARE LOCALLY ACCEPTED AS REPRESENTATIVE OF THEIR PURPORTED POSITIONS, AND WERE VISITED DURING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.
- 5) THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF MARYSVILLE SCHOOL DISTRICT NO. 25 IN DECEMBER 2005.

Douglas R. Slager
DOUGLAS R. SLAGER
PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 28074
DATE: 12-23-2005

LEGEND

- SET 3/4" X 24" IRON PIPE W/CAP "HAI 28074"
- FOUND REBAR AS NOTED
- *** FENCE LINE



AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 28 DAY OF December, 2005
AT 12:37 P.M. IN BOOK _____ OF SURVEYS AT PAGE _____
AT THE REQUEST OF HARMSEN & ASSOCIATES, INC.

BOB TERWILLIGER COUNTY AUDITOR
BY *Chelley Roe* DEPUTY COUNTY AUDITOR

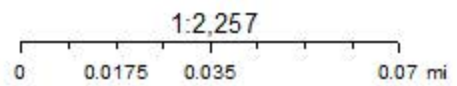
AF# 200512285003

MARYSVILLE SCHOOL DIST. #25		
RECORD OF SURVEY		
ELEMENTARY SITE #11		
SCALE: 1" = 60' DRAWN BY: TLR 12-22-05	HARMSEN & ASSOC. INC 17614 WEST MAIN STREET POST OFFICE BOX 516 MONROE, WA. 98272 PH: (360)794-7811 / (206)343-5903	SHEET 1 OF 1 DWG: ELEM 11 S.T.R. INDEX 2-29 N-5 E NE 1/4, NW 1/4
REVISED: F/B: 872 JOB#: 05-280		



City of Marysville

- | | | |
|------------------|---------------------|------------------------------------|
| Parcels | STATE OF WASHINGTON | Tributary |
| Railroad | Streets | Intermittent stream |
| ROWs | Trails | Swale |
| MUNICIPALITY | Arlington airport | Intermittent stream, not regulated |
| PRIVATE | Water bodies | Piped Stream |
| RAILROAD | Streams | |
| SNOHOMISH COUNTY | Stream | |



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